REMARKS

In an Office Action dated September 9, 2004, the Examiner rejects pending claims 1-12 on prior art grounds. In response, Applicant files the present Reply with Amendment and Remarks. Entry and consideration hereof are respectfully requested. The Examiner's particular rejections are now addressed in turn.

Independent Claim 1 is rejected under 35 U.S.C. §103(a) as being obvious over U.S. Patent No. 6,568,595 to Russell.

In response, claim 1 is herein amended. As will be shown herein, amended independent claim 1 is novel and non-obvious over the cited references and is thus allowable. Whereas, dependent claims 2-12 variously depend from amended allowable claim 1, they are thus correspondingly allowable.

Claim 1, as amended, recites a method for the automated handling of availability-checking, reservation and allocation processes in relationship to local products and/or services on offer, against the background of a need on the user's side under utilization of a supraregional communications link, the method comprising, on the user's side a specification is carried out concerning an offer on the offeror's side, an identification is transmitted by the users's side and a reservation and identification information to an identification verification system carried out by the offeror's side, wherein under the utilization of a local-area communications link, a non-contact verification is carried out when the user enters within a close-up range of the identification verification system and a grant of access to the user is carried out upon a positive identification verification. As will be shown, at least these limitations of amended claim 1 are not taught or suggested by the Examiner's relied upon references.

Russell, does not teach or suggest a method for the automated handling of availability-checking, reservation and allocation processes in relationship to local products and/or services on *offer*, against the background of a need on the user's side under utilization of a supraregional communications link as recited in claim 1. Instead, Russell describes a system and method for carrying out information-related transactions over the Internet. Col. 3, lines 53-65. The Russell system generally comprises two

primary sub-system components namely: a symbol reader and an intermediate Internet Terminal. Col. 7, lines 43-65, Col. 9, lines 22-45, Col. 10, lines 27-50 and Col. 11, lines 32-51. The symbol reader as recited in claims 1, 10 and 19 scans a URL-encoded symbol encoded with a predetermined URL, automatically decodes the encoded symbol automatically producing and providing character data to the Internet browser for automatically accessing HTML-encoded documents (i.e., Web pages). Throughout Russell, the symbol reader does nothing more than scan or read and transmit information in one direction, to the Internet browser. Examples are found at Col. 3, lines 6-10, Col. 7, lines 30-33, Col. 12, lines 51-60, Col. 16, lines 7-10, Col. 17, lines 11-17. Therefore, there is no subsequent information communicated back to the symbol reader. That is, Russell does not teach or suggest method for the automated handling of availability-checking, reservation and allocation processes in relationship to local products and/or services on *offer* as recited in claim 1. To the contrary, the URL-encoded symbol is sent by the symbol reader in a one-way communication to the Internet as it scans or reads the URL-encoded symbols.

Russell does not teach or suggest a method for the automated handling of availability-checking, reservation and allocation processes, the method comprising, on the user's side a specification carried out concerning an *offer* on the *offeror's side* and an identification transmitted by the user's side as recited in claim 1. As discussed above, Russell instead describes a system and method for carrying out information-related transactions over the Internet where a symbol reader communicates in one-way to the Internet browser with no return communication back to the symbol reader, such as an offer would require. Necessarily, without an offer, the user cannot carry out a specification concerning an offer nor transmit an identification as described in claim 1. That is, Russell does not teach or suggest this element of claim 1.

Further, Russell does not teach a method where the user carries out a specification concerning an offer and transmits an identification as recited in claim 1, but instead Russell describes a system and method for carrying out information-related transactions over the Internet, where the system *automatically* serves a Web page, in response to reading a DN/PN-encoded or URL-encoded symbol which points to the Web page. Col. 2, lines 53-65. In fact, a*utomatic* access or launching of a Web page is

described throughout the reference. The Examiner is respectfully directed to the Summary of the Invention at Col. 3, lines 3-4, 17-18, 26-27, 33-34 and 40-42, to the Detailed Description referring to the preferred embodiments at Col. 13, lines 42-53 and claims 1, 10 and 19. Therefore, the Web page is accessed when the encoded symbol is read, not due to subsequent communication from the Web page or the symbol reader. That is, Russell does not teach or suggest a method comprising the user *carrying out a specification* concerning an offer or the user *transmitting an identification* as recited in claim 1. To the contrary, it is the reading of the encoded symbol, not further communication of the Web page and the reader, that accesses the web site.

Russell does not teach or suggest a method comprising, a reservation under storage of the identification and a provision of a reservation and identification information to an identification system carried out by the offeror's side as recited in claim 1. As discussed above, without an offer, the user cannot carry out a specification concerning an offer nor transmit an identification. Necessarily, without the ability to transmit an identification, a reservation under storage of the identification and a reservation and identification to an identification system cannot be carried out by an offeror. That is, Russell does not teach this element of claim 1.

Russell does not teach or suggest a method comprising, a reservation and identification information to an identification *verification* system carried out by the offeror's side, wherein under the utilization of a local-area communications link, a non-contact *verification* is carried out when the user enters within a close-up range of the identification *verification* system. In a non-limited exemplary embodiment of Applicant's invention, the identification transmitted to the provider is stored and fed into a device capable of communicating in proximity fashion with a user-held unit for retrieving the code stored therein, *comparing* it with the provider's assigned code or routing it to a *comparator* for verification. Page 4, lines 27-31. Instead Russell describes a system and method for carrying out information-related transactions over the Internet, where the system automatically serves a Web page, in response to reading a DN/PN-encoded or URL-encoded symbol which points to the Web page. Col. 2, lines 53-65. As mentioned, Russell generally includes two primary sub-system components including: a symbol reader and an intermediate "Internet Terminal," the

former comprised of a subsystem component of a decoder module. 3A2 at Col. 7, line 66 through Col. 8, line18, Col. 9, lines 46-61 and Col. 10, lines 51-67. The function of the decoder module is to process the words produced from the encoded symbols and in turn generate ASCII-based character data represented by the encoded symbol then used to access the Web page. *Id.* Therefore, symbols and their corresponding words are merely translated into another format for the Internet system to use. That is, Russell does not teach or suggest a method comprising, the provider forwarding a reservation and the identification code to a code *verification* system and triggering a non-contact proximity code *verification* when the user enters within range of the code *verification* system as recited in claim 1. To the contrary, character data is translated into a different form from the encoded symbols, the data used immediately without reference to another encoded symbol.

Russell does not teach or suggest a method comprising, granting access to the user *upon a positive code verification* as recited in claim 1. As discussed above, instead, Russell describes a system and method for carrying out information-related transactions over the Internet, where the system *automatically* serves a Web page, in response to a DN/PN-encoded or URL-encoded symbol which points to the Web page. Therefore, the system does not effect an action based on some condition. That is, Russell does not teach or suggest a method comprising granting access to the user *upon a positive code verification* as recited in claim 1. To the contrary, access to the Internet is given immediately, without the system determining if some condition has been met.

Clearly, Russell does not teach or even suggest all of the limitations of the amended claim 1 as further described in the specification.

To establish a *prima facie* case of obviousness, it is known that three basic criteria must be met: (1) there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings; (2) there must be a reasonable expectation of success; and (3) the prior art reference(s) must teach or suggest all the claim limitations. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988);

In Re Wilson, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970); *Amgen v. Chugai Pharmaceuticals Co.*, 927 U.S.P.Q.2d 1016, 1023 (Fed. Cir. 1996).

As discussed above, the relied upon references do not teach or suggest all of the limitations of amended claim 1. Thus, *prima facie* obviousness does not exist regarding amended claim 1 with respect to the Russell patent.

Additionally, since the relied-upon references fail to teach or suggest all of the limitations of amended claim 1, clearly, one of ordinary skill at the time of Applicant's invention would not have had a reasonable likelihood of success in forming the claimed invention by the Examiner's proposed combination. Thus, here again, *prima facie* obviousness is unfounded. *Id.*

Thus, for at least these reasons, *prima facie* obviousness is not established by the Examiner's §103(a) rejection of amended claim 1; reconsideration and withdrawal of the outstanding rejection of claim 1 is respectfully requested. Claim 1 is not further rejected or objected to and are thus allowable to Applicant. Accordingly, claims 2-12 are correspondingly allowable as variously depending from allowable claim 1.

As set forth above, no new matter is added by way of the present Amendment and Remarks as support is found throughout the originally filed specification, claims and drawings. Withdrawal of all rejections and objections and prompt issuance of a Notice of Allowance is respectfully requested.

The Examiner is invited to contact Applicant's attorney at the below-listed phone number regarding this Response or otherwise concerning the present application.

Applicant hereby petitions for any necessary extension of time required under 37 C.F.R. §§1.136(a) or 1.136(b) which may be required for entry and consideration of the present Reply.

If there are any charges due with respect to this Amendment or otherwise, please charge them to Deposit Account No. 06-1130 maintained by Applicant's attorneys.

Respectfully submitted,
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Date: DEC. 09-2004